



Substitute House Bill No. 6631

Public Act No. 11-153

**AN ACT CONCERNING THE CREATION OF A REPLACEMENT
BIRTH CERTIFICATE PURSUANT TO A GESTATIONAL
AGREEMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 7-48a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

[On and after January 1, 2002, each birth] (a) Each original certificate of birth shall be filed with the name of the birth mother recorded.

(b) If the birth is subject to a gestational agreement, the Department of Public Health shall create a replacement certificate [in accordance with an order from a court of competent jurisdiction not later than forty-five days after receipt of such order or forty-five days after the birth of the child, whichever is later. Such] of birth immediately upon: (1) Receipt of a certified copy of an order of a court of competent jurisdiction approving a gestational agreement and issuing an order of parentage pursuant to such gestational agreement, if such order is received by the department after the birth of the child, or (2) the filing of an original certificate of birth, if such order is received by the department prior to the birth of the child. The department shall prepare the replacement certificate of birth for the child born of the

Substitute House Bill No. 6631

agreement in accordance with such order. The replacement certificate of birth shall include all information required to be included in a certificate of birth of this state as of the date of the birth, except that the intended parent or parents under the gestational agreement shall be named as the parent or parents of the child. When a certified copy of [such] a certificate of birth is requested by an eligible party, as provided in section 7-51, for which a replacement certificate of birth has been created pursuant to this subsection, a copy of the replacement certificate of birth shall be provided. The department shall seal the original certificate of birth in accordance with the provisions of subsection (c) of section 19a-42.

(c) Immediately after a replacement certificate of birth has been prepared, the department shall transmit an exact copy of such certificate to the registrar of vital statistics of the town of birth and to any other registrar as the department deems appropriate. [The town] Such registrar shall proceed in accordance with the provisions of section 19a-42.

Sec. 2. Section 7-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

As used in this chapter and sections 19a-40 to 19a-45, inclusive, unless the context otherwise requires:

(1) "Registrar of vital statistics" or "registrar" means the registrar of births, marriages, deaths and fetal deaths or any public official charged with the care of returns relating to vital statistics;

(2) "Registration" means the process by which vital records are completed, filed and incorporated into the official records of the department;

(3) "Institution" means any public or private facility that provides inpatient medical, surgical or diagnostic care or treatment, or nursing,

Substitute House Bill No. 6631

custodial or domiciliary care, or to which persons are committed by law;

(4) "Vital records" means a certificate of birth, death, fetal death or marriage;

(5) "Certified copy" means a copy of a birth, death, fetal death or marriage certificate that (A) includes all information on the certificate except such information that is nondisclosable by law, (B) is issued or transmitted by any registrar of vital statistics, (C) includes an attested signature and the raised seal of an authorized person, and (D) if submitted to the department, includes all information required by the commissioner;

(6) "Uncertified copy" means a copy of a birth, death, fetal death or marriage certificate that includes all information contained in a certified copy except an original attested signature and a raised seal of an authorized person;

(7) "Authenticate" or "authenticated" means to affix to a vital record in paper format the official seal, or to affix to a vital record in electronic format the user identification, password, or other means of electronic identification, as approved by the department, of the creator of the vital record, or the creator's designee, by which affixing the creator of such paper or electronic vital record, or the creator's designee, affirms the integrity of such vital record;

(8) "Attest" means to verify a vital record in accordance with the provisions of subdivision (5) of this section;

(9) "Correction" means to change or enter new information on a certificate of birth, marriage, death or fetal death, within one year of the date of the vital event recorded in such certificate, in order to accurately reflect the facts existing at the time of the recording of such vital event, where such changes or entries are to correct errors on such

Substitute House Bill No. 6631

certificate due to inaccurate or incomplete information provided by the informant at the time the certificate was prepared, or to correct transcribing, typographical or clerical errors;

(10) "Amendment" means to (A) change or enter new information on a certificate of birth, marriage, death or fetal death, more than one year after the date of the vital event recorded in such certificate, in order to accurately reflect the facts existing at the time of the recording of the event, (B) create a replacement certificate of birth for matters pertaining to parentage and gender change, or (C) change a certificate of birth, marriage, death or fetal death to reflect facts that have changed since the time the certificate was prepared, including, but not limited to, a legal name change or a modification to a cause of death;

(11) "Acknowledgment of paternity" means to legally acknowledge paternity of a child pursuant to section 46b-172;

(12) "Adjudication of paternity" means to legally establish paternity through an order of a court of competent jurisdiction;

(13) "Parentage" includes matters relating to adoption, gestational agreements, paternity and maternity;

(14) "Department" means the Department of Public Health; [and]

(15) "Commissioner" means the Commissioner of Public Health or the commissioner's designee;

(16) "Gestational agreement" means a written agreement for assisted reproduction in which a woman agrees to carry a child to birth for an intended parent or intended parents, which woman contributed no genetic material to the child and which agreement (A) names each party to the agreement and indicates each party's respective obligations under the agreement, (B) is signed by each party to the agreement and the spouse of each such party, if any, and (C) is

Substitute House Bill No. 6631

witnessed by at least two disinterested adults and acknowledged in the manner prescribed by law; and

(17) "Intended parent" means a party to a gestational agreement who agrees, under the gestational agreement, to be the parent of a child born to a woman by means of assisted reproduction, regardless of whether the party has a genetic relationship to the child.

Approved July 8, 2011